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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,995	02/12/2002	Velvin R. Hogan	VRH01	7162
7590	08/24/2007			
Kevin Roe 155 East Campbell Avenue Suite 203 Campbell, CA 95008			EXAMINER CHOWDHURY, NIGAR	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 08/24/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/074,995	<b>Applicant(s)</b> HOGAN, VELVIN R.	
	<b>Examiner</b> Nigar Chowdhury	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 15-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/14/2007 has been entered.

### ***Response to Arguments***

1. Applicant's arguments filed on 06/14/2007 have been fully considered but they are not persuasive.
2. In re page 10, applicant argues that "However, Kuroda also discloses in his discussion of Fig. 2 (e.g. see column 4 line 5 through column 5 line 7) his invention's functional need for a separate program information receiver, a temporary recording controller, and a temporary storage device, which the present invention does not functionally require (e.g., see the discussion of fig. 5 of the present invention). In other words, the present invention does not include the elements of the cited reference" as recited in claim 1.

In response, the examiner respectfully disagrees. It is noted that the functions of the "Separate program information receiver" and "temporary recording controller" are not clearly defined in the claims. Since the functions are not clearly defined in the claims, the claimed "Separate program information receiver" is anticipated by a "program information receiver" of the reference which receives program information that is related to each program from broadcasting media; the claimed "temporary recording controller" is anticipated by a "temporary recording controller" of the reference which controls the time for the temporary storage device to store content signals. It also comprises present time with program information recorded to the temporary storage device. "Separate program information receiver" and "temporary recording controller" are just a name. "Separate program information receiver" may not have the same function and feature as recited in claim and also "temporary recording controller" may not have the same function and feature as recited in claim. For example, receiver of Sony Company and receiver of Samsung don't have same functionality or same feature, they have same name but not the feature.

3. In re page 10, applicant argues that "Furthermore, Newman et al. is directed to computer graphics editing (see column 4 lines 6-50 for a discussion of their ALWAYS REQUIRED configurable Shaped Cut, Relocate, Alpha and Mixer (SCRAM) engine to mix, shape cut and relocate portions of images). In contrast, the present invention (e.g., see the discussion for Fig. 5 of the present invention) does not require any configurable Shape Cut, Relocate, Alpha and Mixer (SCRAM) engine" as recited in claim 1.

In response, the examiner respectfully disagrees. Applicant arguing the limitation "the present invention does not require any configurable Shape Cut, Relocate, Alpha and Mixer (SCRAM) engine" is not in the claim. The specification is not the measure of invention. Therefore, limitations contained therein can not be read into the claims for the purpose of avoiding the prior art. In re Sporck, 55 CCPA 743, 386 F.2d 924, 155 USPQ 687 (1968).

4. In re page 12, applicant argues that "However, Kuroda.....the present invention does not functionally require....Furthermore, Newman.....does not require any configurable Shaped Cut, Relocate, Alpha and Mixer (SCRAM) engine"

In response, the examiner respectfully disagrees. Claims 5-6 are rejected for the same reason as discussed in paragraphs 2-3 above.

5. In re page 14, applicant argues that "However, Kuroda... the present invention does not functionally require...."

In response, the examiner respectfully disagrees. Claim 11 is rejected for the same reason as discussed in paragraph 2 above.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-4, 7-10, 12, 13, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,311,011 by Kuroda in view of US Patent No. 6,154,600 by Newman et al.

2. Regarding **claim 1**, Kuroda discloses a video system comprising:

- A system controller module operative to receive and process one or more input signals to provide one or more video files (Fig. 2. Receiver 101, tuner 102, storage device 103, 105, recording controller 104) and wherein the system controller module does not include a separate program information receiver, and does not include a temporary recording controller ("Separate program information receiver" and "temporary recording controller" are just a name. "Separate program information receiver" may not have the same function and feature as recited in claim and also "temporary recording controller" may not have the same function and feature as recited in claim. For example, receiver of Sony Company and receiver of Samsung don't have same functionality or same feature, they have same name but not the feature.)
- An internal fixed storage device operatively coupled to the system controller module, wherein the internal fixed storage device is configured to store the one or more video files from the system controller module (Fig. 2 (103). Col. 4 line 25-29)
- An internal removable media storage device operatively coupled to the system controller module, wherein the internal removable media storage

device is configured to store the one or more video files from the system controller module or the internal fixed storage device (Fig. 2 (105). Col. 4 line 38-41).

Kuroda fails to disclose the system controller module provides a user-selectable option of editing one or more sections of the one or more video files.

Newman discloses the system controller module provides a user-selectable option of editing one or more sections of the one or more video files (Fig. 12, Col. 16 line 26-30)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the proposed combination of Kuroda's system to include a editing unit, as taught by Newman, for the advantage of providing a user's convenient system. User can edit one or more sections of the one or more video files when they want.

3. Regarding **claim 2**, Kuroda discloses the video system wherein the system controller module includes:

- A tuner configured to receive and process the one or more input signals and provide video information (Col. 4 line 18-24)
- A processing module coupled to the tuner, wherein the processing module is configured to receive and process a signal from the tuner and to provide an output video signal (Col. 4 line 12-17)

- A memory unit configured to store the one or more video files (Fig. 2 (103, 105). Col. 4 line 25-29, 38-41)
4. Regarding **claim 3**, Kuroda discloses the video system wherein the system controller module further includes a decoder coupled to the tuner, wherein the decoder is configured to receive and decode video data from the tuner to provide a decoded file (Col. 6 line 66-Col. 7 line 10, Col 7 line 42-48)
5. Regarding **claim 4**, Kuroda discloses the video system wherein the system controller module further includes a coder/decoder operatively coupled to the decoder, wherein the coder/decoder is configured to receive and compress the decoded file to provide a compressed video file suitable for storage to the internal fixed storage device or the internal removable media storage device (Col. 8 line 19, 20, 25-31).
6. Regarding **claim 7**, Kuroda discloses the video system wherein the system controller module is further configurable to receive and process one or more video files from the internal fixed storage device or the internal removable media storage device (Col. 7 line 65-Col. 8 line 5. Col. 8 line 62-67)
7. Regarding **claim 8**, Kuroda discloses the video system wherein the system controller module is further configurable to capture and interval of a particular input

signal and to store the captured data within a video file suitable for replay at a later time (Col. 4 line 38-50)

8. Regarding **claim 9**, Kuroda discloses the video system of claim 8, wherein the interval of a particular input signal is user selectable (Col. 4 line 38-50)

9. Regarding **claim 10**, Kuroda discloses the video system wherein the system controller module is further configurable to capture selected sections of a particular input signal and to store the selected sections of a particular input signal within a video file suitable for replay at a later time (Col. 4 line 38-50, Fig. 4. Col. 5 line 17-19)

10. Regarding **claim 12**, Kuroda discloses system controller which has tuner, processing module, memory unit but Kuroda fails to teach manipulate sections of a particular video file.

Newman discloses a editing system for home audio and video applications includes a media editor that provides point and click audio and video functionality to modify the video files. (Fig. 12, Col. 16 line 26-30)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have manipulate unit to manipulate a particular video files for future purpose. Viewer can watch those manipulated video files later.

11. Regarding **claim 13**, Kuroda discloses system controller which has tuner, processing module, memory unit but Kuroda fails to teach manipulate sections consisting cut, copy, paste, or a combination.

Newman discloses a editing system for home audio and video applications includes a media editor that provides point and click audio and video functionality to modify the video files. (Fig. 12, Col. 16 line 26-30)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have manipulate unit to manipulate a particular video files for future purpose. Viewer can watch those manipulated video files later.

12. Regarding **claim 14**, Kuroda discloses the video system wherein each video file is stored to the internal fixed storage device as one or more records (Fig. 2 (103), Col. 4 line 25-28)

13. Claims 5, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,311,011 by Kuroda and US Patent No. 6,154,600 by Newman et al. in view of U.S. Patent No. 5,784,572 by Rostoker et al.

14. Regarding **claim 5**, Kuroda discloses compression by MPEG system and Newman discloses the system controller module provides a user-selectable option of editing one or more sections of the one or more video files (Fig. 12, Col. 16 line 26-30)

Kuroda and Newman both fails to teach compression algorithm selected from among a plurality of available compression algorithms.

Rostoker teaches compression of video and audio signals selected by user. User can select the same compression for video and audio signal or user can select different algorithm for video and audio.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the proposed combination of Kuroda and Newman's system to include compress algorithm, as taught by Rostoker, for the advantage of providing flexibility for compressing video and audio signals that will be easier for a viewer.

15. Regarding **claim 6**, Kuroda discloses compression by MPEG system and Newman discloses the system controller module provides a user-selectable option of editing one or more sections of the one or more video files (Fig. 12, Col. 16 line 26-30)

Kuroda and Newman both fails to teach compression algorithm selected from among a plurality of available compression algorithms which is user selectable.

Rostoker teaches compression of video and audio signals selected by user. User can select the same compression for video and audio signal or user can select different algorithm for video and audio (Col. 3 line 45-58)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the proposed combination of Kuroda and Newman's system to include compress algorithm, as taught by Rostoker, for the advantage of providing flexibility for compressing video and audio signals that will be easier for a viewer.

16. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,311,011 by Kuroda and US Patent No. 6,154,600 by Newman et al. in view of U.S. Patent No. 6,493,763 by Suzuki.

17. Regarding **claim 11**, Kuroda discloses input signal receive from broadcast media and Newman discloses the system controller module provides a user-selectable option of editing one or more sections of the one or more video files (Fig. 12, Col. 16 line 26-30) but Kuroda and Newman both fails to disclose advertisements.

Suzuki discloses multimedia network which has a CM selection unit for designating the selection of the presence or absence of the reception of a commercial advertisement. User can select the option of absence of a commercial advertisement. (Fig. 1 (13), Col. 4 line 40-56)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the proposed combination of Kuroda and Newman's system to include advertisements, as taught by Suzuki, for the advantage of providing option to select no advertisement in the input signal for viewer convenience.

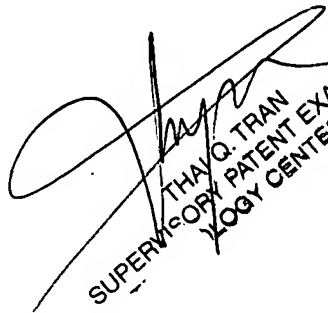
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nigar Chowdhury whose telephone number is 571-272-8890. The examiner can normally be reached on 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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